

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

ESTATE OF ARTURO GIRON ALVAREZ,  
*et al.*,

Plaintiffs,

v.

THE JOHNS HOPKINS UNIVERSITY,  
THE JOHNS HOPKINS UNIVERSITY  
SCHOOL OF MEDICINE,  
THE JOHNS HOPKINS HOSPITAL,  
THE JOHNS HOPKINS BLOOMBERG  
SCHOOL OF PUBLIC HEALTH,  
THE JOHNS HOPKINS HEALTH  
SYSTEMS CORPORATION and  
THE ROCKEFELLER FOUNDATION,

Defendants.

Civil Action No. TDC-15-0950

**ORDER**

Pending before the Court is the Rockefeller Foundation's request for the Court to hold the pending Cross Motions for Summary Judgment in abeyance and to stay the case pending resolution by the United States Supreme Court of *Nestle USA, Inc. v. John Doe I*, No. 19-416. Plaintiffs oppose the request.

At the present time, an interlocutory appeal of this Court's denial of Defendants' Motion for Judgment on the Pleadings remains pending before the United States Court of Appeals for the Fourth Circuit. On August 6, 2020, the Fourth Circuit placed the appeal in abeyance pending a decision by the Supreme Court in *Nestle*. In resolving *Nestle*, the Supreme Court may provide guidance that could impact the viability of Plaintiffs' claims in this matter. The Fourth Circuit's ruling on the pending appeal may do the same.

At the present time, there is a possibility that these rulings could render it unnecessary for the Court to resolve the pending Cross Motions for Summary Judgment. At the same time, because the Cross Motions are fully briefed and can be resolved within a reasonably limited time period upon resolution of the pending interlocutory appeal, considerations of judicial economy strongly counsel in favor of a stay. *See Landis v. N. American Co.*, 299 U.S. 248, 255 (1936) (stating that “the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants”).

Accordingly, it is hereby ORDERED that this case is STAYED pending the resolution of *Nestle* and the interlocutory appeal currently before the Fourth Circuit.

Date: February 8, 2021

/s/ Theodore D. Chuang  
THEODORE D. CHUANG  
United States District Judge